

Notice of Allowability

Application No.

09/511,237

Examiner

Daniel L. Greene

Applicant(s)

ZILLIACUS ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/24/2004.
2. ☒ The allowed claim(s) is/are 1-60 and 115-174.
3. ☒ The drawings filed on 11 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

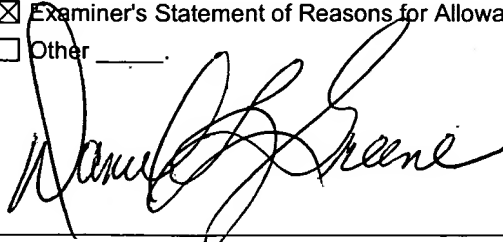
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



DETAILED ACTION

Allowable Subject Matter

As per claims 1, 13, 25, 37 and 49, the closest prior art of record Talati, U.S. Patent 5,903,878, Teper et al., U.S. Patent 6,401,085, and Gershman, U.S. Patent 6,401,085 taken either individually or in combination with other prior art of record fails to teach or suggest functional interactions between the user, content provider, network operator and the network as recited in the independent claims.

The specific allowable feature, which distinguishes the present invention over the prior art is that the network operator of the wireless network is directly involved/active in the transaction through the calculating of a service response value, verifying with the content provider that the various service response values match for the same transaction, and then transmitting the contents to the user. All the other references have the network/network operators in the passive role of providing the medium for the transaction without being directly involved/active.

Prior art further teaches about the network providing billing services of transaction over the network but none disclose the network provider being actively involved and instrumental in the completion of a transaction.

Claims 2-12, 14-24, 26-36, 38-48, 50-60, and 115-174 are dependent upon Claims 1, 13, 25, 37 and 49 and thus has all the limitations of claims 1, 13, 25, 37 and 49, and are allowable for that reason.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Blinn et al. 5,897,622- **ELECTRONIC SHOPPING AND MERCHANDISING SYSTEM.**
3. Spaur et al. 5,732,074 **MOBILE PORTABLE WIRELESS COMMUNICATIONS SYSTEM.**
4. Egendorf 5,794,221 **INTERNET BILLING METHOD**
Elgamal 5,671,279 **ELECTRONIC COMMERCE USING A SECURE COURIER SYSTEM.**
Gottsman et al 6,134,548 **SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR ADVANCED MOBILE BARGAIN SHOPPING.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

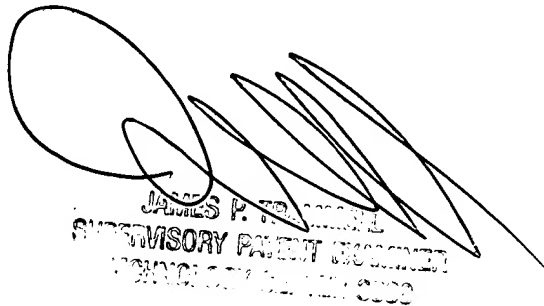
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/13/2004

DLG


JAMES P. MCINNIS
SUPERVISORY PATENT EXAMINER
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